

**CHILD PROTECTIVE SERVICES LAW AMENDMENTS
FOR EMS AGENCIES AND EMS PROVIDERS
AUGUST 2015**

In April 2015, the Bureau of Emergency Medical Services (Bureau) of the Department of Health issued two sets of FAQ documents relating to amendments enacted under the Child Protective Services Law (CPSL). On July 1, 2015, Act 15 was signed into law and changed some of the information provided in those two FAQ documents, particularly as they relate to the requirements for background checks for EMS providers. This document replaces the two documents issued in April 2015. Please note that EMS providers are still mandatory reporters and nothing has changed relative to an EMS provider's responsibility to report suspected cases of child abuse.

1. Are EMS providers required to obtain a background check?

Generally, speaking EMS providers do not need clearances regardless of whether they are paid or a volunteer¹.

2. Are there situations where an EMS provider is required to have a background check?

Yes. As an example, if the EMS provider is part of a junior EMS program or other type of "program, activity or service" involving children, then those individuals who are either responsible for the child's welfare or have direct contact or direct volunteer contact with children would need clearances.

Junior EMS programs would be considered a program, activity or service, which includes: youth camp or program, recreational camp or program, sports or athletic program, community or social outreach program, enrichment or educational program, troop, club or similar organization.

For employees, direct contact is care, supervision, guidance or control of children OR routine interaction with children.

For volunteers, direct volunteer contact is care, supervision, guidance or control or children AND routine interaction with children.

3. What is the definition of "person responsible for the child's welfare" under Act 15?

A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

4. What is the definition of "program, activity or service" under Act 15?

Any of the following in which children participate and which is sponsored by a school or a public or private organization:

¹ http://www.pennlive.com/politics/index.ssf/2015/07/background_checks_law_live_qa.html#incart_m-rpt-2

- (1) A youth camp or program.
- (2) A recreational camp or program.
- (3) A sports or athletic program.
- (4) A community or social outreach program.
- (5) An enrichment or educational program.
- (6) A troop, club or similar organization.

5. How much do the background checks cost?

As of July 25, 2015, the costs are as follows for employees, though other fees may apply:

1. Pennsylvania Child Abuse History Clearance - \$8.00
2. Pennsylvania State Police Criminal Record Check - \$8.00
3. Federal Bureau of Investigation Criminal Background Check through the Department of Human Services - \$25.75

As of July 25, 2015, the costs are as follows for volunteers, though other fees may apply:

1. Pennsylvania Child Abuse History Clearance - \$0.00
2. Pennsylvania State Police Criminal Record Check - \$0.00
3. Federal Bureau of Investigation Criminal Background Check through the Department of Human Services - \$25.75

6. What is the renewal requirement for background checks?

Beginning July 1, 2015 for employees, and August 25, 2015 for volunteers, certifications must be obtained every 60 months.

Any employee with current certification issued prior to July 1, 2015, must renew their certifications within 60 months from the date of their oldest certification or, if their current certification is older than 60 months, by December 31, 2015.

If an individual elects to renew all certifications at the same time, the date of the oldest certification, rather than the most recent, is the date to be used for the renewal date.

7. What should an EMS provider do once he or she obtains the required background checks?

The EMS provider must submit those documents to each EMS agency that he or she works for and keep copies for his or her own records.

8. What is the EMS agency's responsibility relating to background checks?

An EMS agency must ensure that its employees, including volunteers, get the required background checks under the CPSL and that the EMS agency maintains proper documentation that its employees, including volunteers, have the requisite background checks at all times. An employer that fails to do so commits a misdemeanor of the third degree.

9. Can an EMS provider use a child abuse history certification or PSP criminal history he or she obtained for volunteer activities for other volunteer activities?

Yes. Any person who obtained their certifications within the previous 60 months may serve in a volunteer capacity for any program, activity or service.

10. Can an EMS provider use a child abuse history certification or PSP criminal history certification he or she obtained for volunteer activities for employment purposes?

No. Child abuse history certifications and PSP criminal history certifications obtained for volunteer purposes can only be used for other volunteer activities. Child abuse history certifications obtained for volunteer purposes will indicate that the certification is to be used for volunteer purposes only.

11. Can an EMS provider use a child abuse history certification or PSP criminal history he or she obtained for employment purposes for volunteer purposes?

Yes. If the EMS provider obtained a certification for employment purposes within the previous 60 months he or she may use the certification to serve in a volunteer capacity for any program, activity, or service.

12. What is the Bureau of EMS' role regarding CPSL compliance?

While the Department of Health does not administer the CPSL, the Bureau of EMS is the licensing and certification agency for EMS agencies and EMS providers. The Bureau of EMS will review any violations of the CPSL and other laws and take appropriate action as authorized under the EMS System Act and Department regulations. The Bureau of EMS will begin to monitor compliance with CPSL requirements as part of the licensure process and assist EMS agencies, where feasible, with meeting the requirements of the CPSL.

13. Where can I get a copy of Act 15?

<http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2015&sind=0&body=H&type=B&bn=1276>

14. I have more questions. To whom should I direct them?

- Legal questions should be directed to the EMS agency's attorney. The Bureau of EMS cannot answer questions or provide legal advice to EMS agencies or EMS providers regarding their obligations under the CPSL, as this law is administered by DHS. This FAQ page is for informational purposes only and does not constitute legal advice by the Department of Health.
- Questions related to child protection can be sent to the Department of Human Services' Office of Children, Youth and Families at RA-PWCPSLQuestions@pa.gov.
- For questions regarding Child Abuse Referrals, contact ChildLine at 1-800-932-0313.
- For questions regarding your Pennsylvania Child Abuse History Clearance Application, contact ChildLine at 1-877-371-5422.
- For assistance with your ChildLine account log-in or other technical issues, contact 1-877-343-0494.
- It is also recommended that any interested or effected person review the Department of Human Services' website relating to the CPSL at <http://keepkidssafe.pa.gov/index.htm>.